

By: Representatives Ellzey, Barnett (92nd), To: Penitentiary  
Horne, Davis

## HOUSE BILL NO. 279

1 AN ACT TO AMEND SECTION 47-5-116, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT EVERY OFFENDER COMMITTED TO THE CUSTODY OF THE  
3 DEPARTMENT OF CORRECTIONS SHALL BE TRANSPORTED IN A VEHICLE WHICH  
4 IS EQUIPPED WITH A BIDDLE GUARD; TO REQUIRE EVERY OFFENDER TO BE  
5 PLACED IN HANDCUFFS, WAIST CHAINS AND SHACKLES WHEN BEING  
6 TRANSPORTED; TO PROVIDE A CIVIL PENALTY FOR VIOLATION OF THIS ACT;  
7 TO EXEMPT FROM THE REQUIREMENTS OF THIS ACT ANY VEHICLE WHICH IS  
8 BEING USED BY A CORRECTIONAL OFFICER TO TRANSPORT OFFENDERS TO OR  
9 FROM A WORK DETAIL; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 SECTION 1. Section 47-5-116, Mississippi Code of 1972, is  
12 amended as follows:

13 47-5-116. (1) For the purposes of this section, the term  
14 "Biddle guard" \* \* \* means a device or partition installed in a  
15 vehicle operated by a law enforcement officer which separates the  
16 front and rear passenger compartments.

17 (2) Every offender committed to the custody of the  
18 Department of Corrections may be transported only in a vehicle  
19 which is \* \* \* equipped with a secure Biddle guard separating the  
20 operator's compartment from the offenders, and each offender shall  
21 be placed in handcuffs, waist chains and shackles before he is  
22 transported.

23 (3) Any person found to be in violation of this section  
24 shall be assessed a civil penalty of Five Thousand Dollars  
25 (\$5,000.00) which shall be collected by the Attorney General and  
26 paid into the State Treasury.

27 (4) The Commissioner of Corrections, sheriff, or chief law  
28 enforcement officer who is responsible for a vehicle in which an  
29 offender is transported in violation of this section shall not be

30 liable personally for any damages arising from injuries to persons  
31 or property caused by an offender who has escaped while being  
32 transported in violation of this section.

33 (5) This section shall not be applicable to any vehicle used  
34 by a correctional officer for the purpose of transporting  
35 offenders from place to place on the grounds of any penal facility  
36 under the jurisdiction of the State Department of Corrections or  
37 to any vehicle that is used by a correctional officer or law  
38 enforcement officer to transport offenders to or from a work  
39 detail.

40 SECTION 2. This act shall take effect and be in force from  
41 and after July 1, 1999.